

No.

9800013



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Sakata Seed Corporation*

*Whereas*, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ZINNIA

'Profusion Orange'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fourteenth day of April, in the year of our Lord two thousand.*

*Attest:*

*Ann Marie*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Don Gilman*

Secretary of Agriculture





U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)  Sakata Seed Corporation		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  Profusion Orange		3. VARIETY NAME  Profusion Orange JMS 9/27/97	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224		5. TELEPHONE (include area code)  (408) 778-7758		FOR OFFICIAL USE ONLY PVPO NUMBER 9800013 DATE 10/22/97	
		6. FAX (include area code)  (408) 778-1030			
7. GENUS AND SPECIES NAME  Zinnia hybrida <del>Zinnia interspecifica</del>		8. FAMILY NAME (Botanical)  Compositae		FILING AND EXAMINATION FEE: \$ 2450.00 DATE 10/22/97	
9. CROP KIND NAME (Common name)  Zinnia				CERTIFICATION FEE: \$ 300.00 DATE 3/3/2000	
10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name)  Corporation		11. IF INCORPORATED, GIVE STATE OF INCORPORATION  Yokohama, Japan		12. DATE OF INCORPORATION  1942 Dec 12	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS  Thomas Day Gary Whiteaker Sakata Seed America, Inc. 18095 Serene Drive Morgan Hill, CA 95037 U.S.A.		14. TELEPHONE (include area code)		15. FAX (include area code)  408-779-1978	
16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)					
a. <input type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input type="checkbox"/> Exhibit B. Statement of Distinctness c. <input type="checkbox"/> Exhibit C. Objective Description of the Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input type="checkbox"/> Exhibit E. Statement of the Basis of the Applicant's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository) g. <input type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)					
17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(e) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 18 and 19 below) <input checked="" type="checkbox"/> NO (If "no," go to item 20)					
18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES (If "yes," give names of countries and dates) <input checked="" type="checkbox"/> NO May 1, 1999					
21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.  The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.  Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT (Owner(s))  Thomas Day			SIGNATURE OF APPLICANT (Owner(s))		
NAME (Please print or type)  Thomas Day			NAME (Please print or type)		
CAPACITY OR TITLE  Q.A. Coordinator		DATE  10/10/97		CAPACITY OR TITLE  DATE	



Sakata Seed America  
Zinnia 'Profusion Orange'  
PVP Application Number: 9800013

Exhibit A, October 1, 1997 (THD)  
revised September 23, 1999 (THD)

In 1986, 19 strains of diploid interspecific crosses between *Zinnia angustifolia* and *Zinnia elegans* were received from Dr. Dennis P. Stimart at the University of Maryland. The 19 strains were sown in May and evaluated later that year. The interspecific hybrids 822-11C and 8411-7C were intercrossed (female and male, respectively) to produce  $F_1$  seed. Line 822-11C was a cross between a *Zinnia angustifolia* line known only as White and *Zinnia elegans* variety 'Orange King'. Line 8411-7C was a cross between a *Zinnia angustifolia* line known only as Orange and *Zinnia elegans* variety 'Thumbelina Mini-Salmon'.

In 1987 the  $F_1$  seed was sown and three plants were selected and intercrossed for production of  $F_2$  seed.

In 1988 the  $F_2$  seed was sown, producing plants with flowers of several colors and shades. Three plants with compact plant habit, orange colored flower and prolific blooming were selected and intercrossed to produce  $F_3$  seed.

During 1989, 1990, 1991 and 1992, successive generations were sown with selection and selfing of individual plants to fix and stabilize traits.

In 1993, seed of the  $F_7$  selections was sown and one stable line with compact habit and prolific blooming was selected.  $F_8$  seed was made from this line by open pollination.

During 1994, 1995 and 1996, the  $F_8$  line, now named 'Profusion Orange', was sown and the resulting plants observed for trait stability. 'Profusion Orange' was observed to be uniform and stable in the two generations,  $F_7$  and  $F_8$ . Additionally it was determined that the new variety lacks genetic variants.



Sakata Seed America  
Zinnia 'Profusion Orange'  
PVP Application Number: 9800013

Exhibit B, October 1, 1997 (THD)  
revised September 23, 1999 (THD)

To the best of our knowledge, 'Profusion Orange' most clearly resembles 'Star Orange'. However, 'Profusion Orange' differs from 'Star Orange' in at least one characteristic. 'Profusion Orange' has a large first flower while 'Star Orange' produces flowers that are all the same size. The first flower on 'Profusion Orange' is approximately 61 mm in diameter while the first flower on 'Star Orange' is approximately 39 mm. The accompanying Exhibit D shows data from two trials conducted in Salinas, California. In both trials the difference in first flower diameter was statistically significant at the 95% confidence level. Plots showing Rankit values (Bliss, 1967) versus the data support the assumption that the data is approximately normally distributed.

Attached are photos of the new variety and the comparison variety showing their significant difference in first flower diameter. These plants were grown in four-inch pots in a greenhouse in Salinas, California.

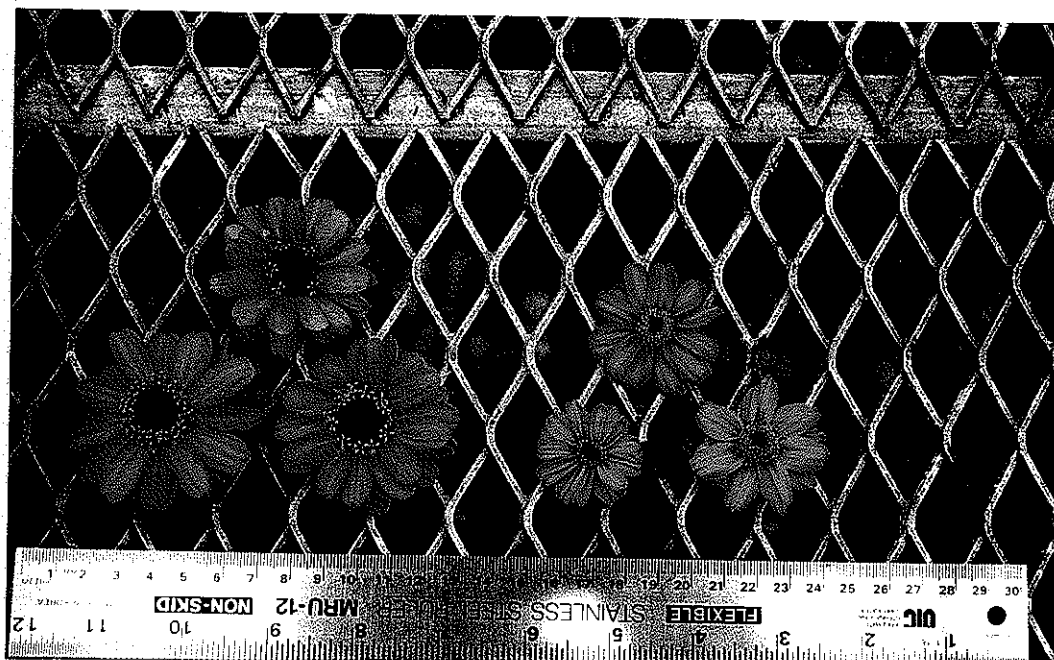
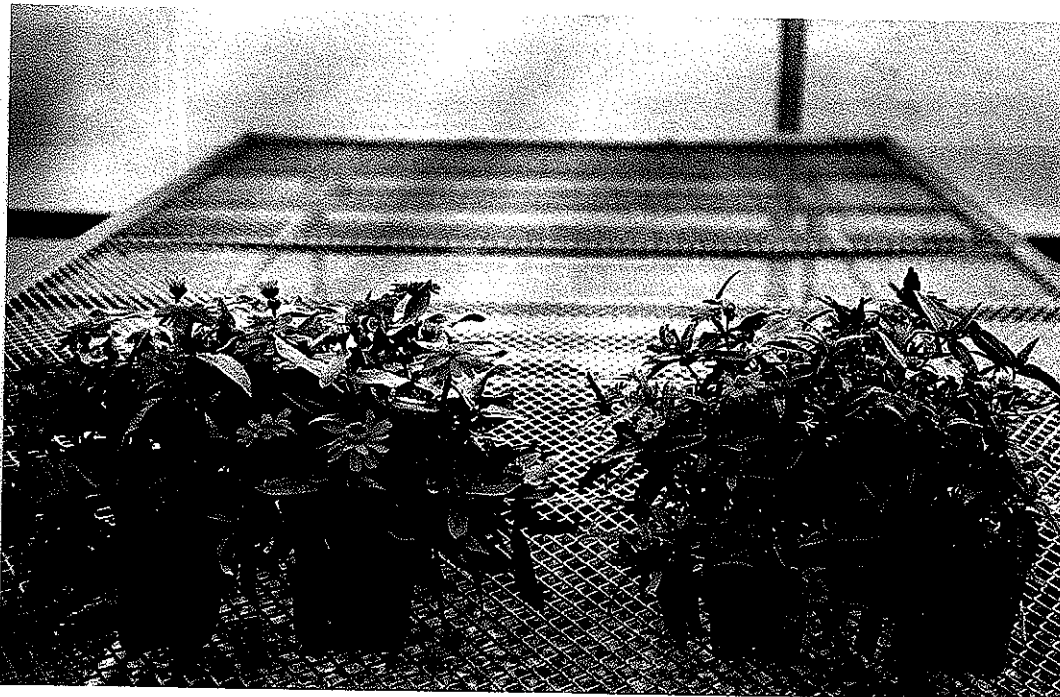
*Note: First Flowers are larger than average.*

JMS  
1/11/2000

Bliss, C.I. Statistics in Biology, vol. 1. 1967. McGraw Hill



## Exhibit B, Photographs



'Profusion Orange' (left) and 'Star Orange' (right)  
Note significant difference in diameter of first flower.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
BELTSVILLE, MARYLAND 20705

EXHIBIT C  
(Zinnia)

## OBJECTIVE DESCRIPTION OF VARIETY

ZINNIA (ZINNIA SPP.)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

Sakata Seed Corporation

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

2-7-1 Nakamachidai  
Tsuzuki-Ku, Yokohama  
Japan 224

## FOR OFFICIAL USE ONLY

PVPO NUMBER

9800013

VARIETY NAME OR TEMPORARY DESIGNATION

Profusion Orange

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

## 1. SPECIES:

1 = ELEGANS    2 = LINEARIS    3 = HAGGEANA (*angustifolia*)    4 = SPECIES CROSS *Z. angustifolia*  
x *Z. elegans*

## 2. PLOIDY:

1 = DIPLOID (24)    2 = TETRAPLOID (48)    3 = OTHER (Specify) \_\_\_\_\_

## 3. FLOWER TYPE:

1 = BUTTON (*Cherry Buttons, Thumbelina*)    2 = POMPON (*Scarlet Gem, White Gem*)    3 = DAHLIA (*Dream, Exquisite*)  
4 = CRESTED, SCABIOSA (*Wind Witch*)    5 = CACTUS (*Blaze, Sunny Boy*)    6 = MEXICAN (*Old Mexico*)

## 4. PLANT:

DAYS FROM EMERGENCE TO FIRST FLOWER     Season: 1 = SHORT, CONCENTRATED FLOWERING    2 = LONG, CONTINUOUS FLOWERING  
 NO. OF PRIMARY BRANCHES     NO. OF SECONDARY BRANCHES     NO. OF TERTIARY BRANCHES  
Main Stalk:  
 NO. OF INTERNODES     CM. LENGTH OF INTERNODE BETWEEN FIRST & SECOND NODES     MM. DIAMETER BETWEEN FIRST & SECOND NODE  
Habit: 1 = COMPACT     Habit: CM. WIDE     Habit: CM. HIGH  
2 = SPREADING  
 1 = GLABROUS    2 = SPARSELY PUBESCENT    3 = PUBESCENT

## 5. LEAF:

Shape: 1 = LANCEOLATE    2 = OVATE    3 = ELLIPTIC     MM. WIDE     MM. LONG  
 Dorsal Surface: 1 = GLABROUS    2 = PUBESCENT     Ventral Surface: 1 = GLABROUS    2 = PUBESCENT

## 6. FLOWERS:

CM. LENGTH OF CUT FLOWER (from head to first branch)     AVERAGE NO. PER PLANT     CM. DIAMETER OF HEAD  
 Stems: 1 = RIGID    2 = FLEXIBLE     Stems: 1 = BRITTLE    2 = WIREY  
 Doubleness: 1 = SINGLE (*one row of rays*)    2 = SEMI-SINGLE (*several rows of rays*)  
3 = SEMI-DOUBLE (*many rows of rays*)    4 = DOUBLE (*all rays*)

## 7. RAY PETALS:

1 = FLAT    2 = TWISTED    3 = CURLED    4 = SHAGGY    5 = QUILLED  
6 = COMBINATION OR OTHER (Specify) \_\_\_\_\_  
 Dorsal Surface: } 1 = GLABROUS    2 = PUBESCENT     Dorsal Surface: } 1 = DULL    2 = SHINY  
 Ventral Surface: }     Ventral Surface: }

## APICES:

1 = ACUTE    2 = OBTUSE     1 = ENTIRE    2 = NOTCHED    3 = SPINED

JMS  
1/11/2000







PVP Application:

Sakata Seed America

Zinnia 'Profusion Orange'

Exhibit D

## Diameter of first flower (mm)

## Location 1, inside greenhouse

Profusion	Star
63	40
60	45
65	44
64	44
64	40
67	35
62	40
67	35
60	28
60	30
65	35
63	40
60	30
65	38
62	36
Mean	63.1
Std. Dev.	2.4

t-test 2.392E-13 (P&lt;0.05)

## Location 2, outdoors

Profusion	Star
57	45
57	38
60	50
63	45
60	38
58	40
60	42
47	35
60	38
60	41
63	32
60	43
57	38
64	38
Mean	59.0
Std. Dev.	4.1

t-test 1.437E-11 (P&lt;0.05)



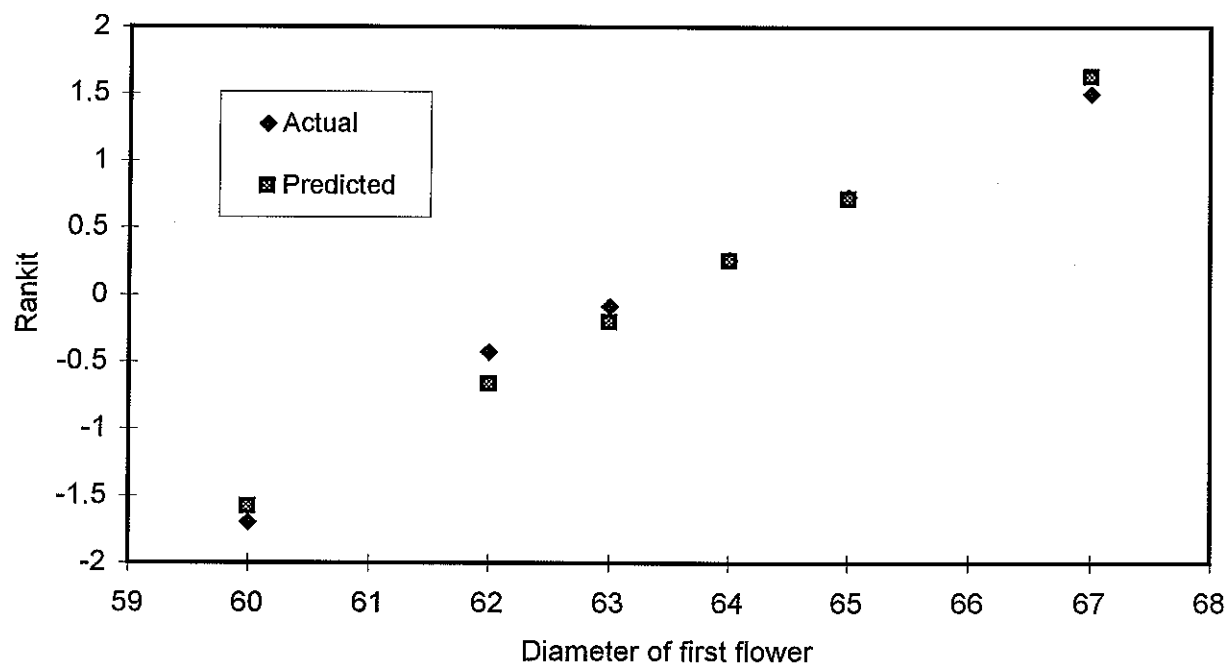
PVP Application:

Sakata Seed America

Zinnia 'Star Orange'

Exhibit D (Location 1 data)

Profusion Rankit test



Star Rankit test

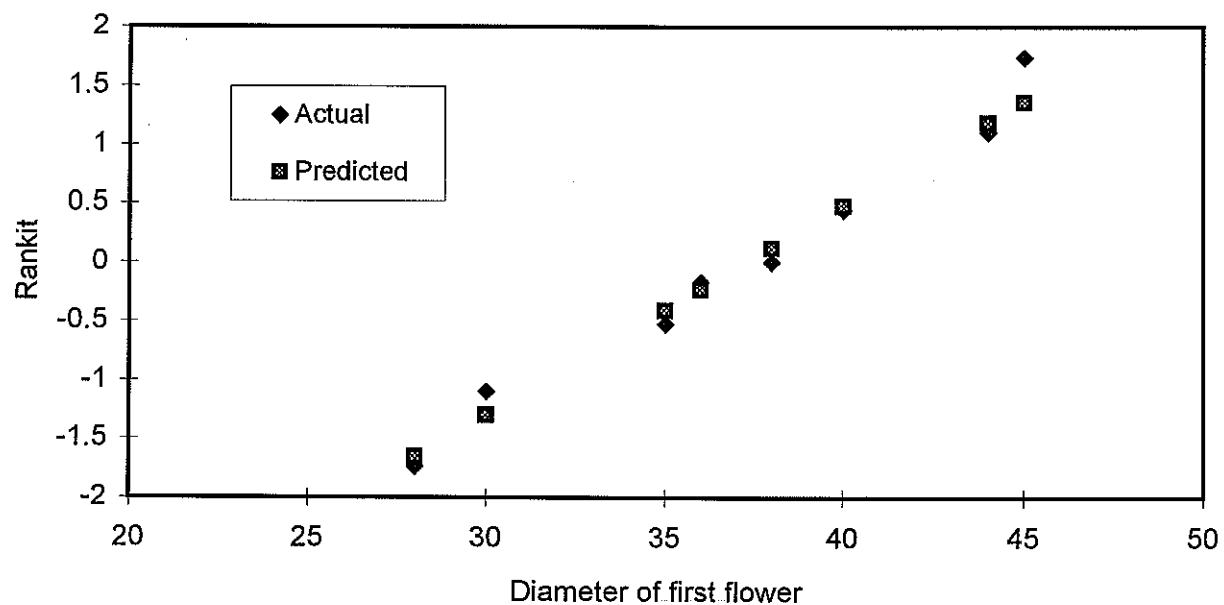




Exhibit D

FORM APPROVED: OMB NO. 40-R3822

UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Zinnia)

OBJECTIVE DESCRIPTION OF VARIETY  
 ZINNIA (ZINNIA SPP.)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S) Sakata Seed Corporation	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224	PVPO NUMBER 9800013 VARIETY NAME OR TEMPORARY DESIGNATION Star Orange

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
 Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

## 1. SPECIES:

1 = ELEGANS    2 = LINEARIS    3 = HAGGEANA (*angustifolia*)    4 = SPECIES CROSS

## 2. PLOIDY:

1 = DIPLOID (24)    2 = TETRAPLOID (48)    3 = OTHER (Specify)

## 3. FLOWER TYPE:

1 = BUTTON (*Cherry Buttons, Thumbelina*)    2 = POMPON (*Scarlet Gem, White Gem*)    3 = DAHLIA (*Dream, Exquisite*)  
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## 4. PLANT:

DAYS FROM EMERGENCE TO FIRST FLOWER     Season: 1 = SHORT, CONCENTRATED FLOWERING    2 = LONG, CONTINUOUS FLOWERING

NO. OF PRIMARY BRANCHES     NO. OF SECONDARY BRANCHES     NO. OF TERTIARY BRANCHES

Main Stalk:

NO. OF INTERNODES     CM. LENGTH OF INTERNODE BETWEEN FIRST & SECOND NODES     MM. DIAMETER BETWEEN FIRST & SECOND NODE

Habit: 1 = COMPACT    2 = SPREADING     Habit: CM. WIDE     Habit: CM. HIGH

1 = GLABROUS    2 = SPARSELY PUBESCENT    3 = PUBESCENT

## 5. LEAF:

Shape: 1 = LANCEOLATE    2 = OVATE    3 = ELLIPTIC     MM. WIDE     MM. LONG

Dorsal Surface: 1 = GLABROUS    2 = PUBESCENT     Ventral Surface: 1 = GLABROUS    2 = PUBESCENT

## 6. FLOWERS:

CM. LENGTH OF CUT FLOWER (from head to first branch)     AVERAGE NO. PER PLANT     CM. DIAMETER OF HEAD

Stems: 1 = RIGID    2 = FLEXIBLE     Stems: 1 = BRITTLE    2 = WIREY

Doubleness: 1 = SINGLE (*one row of rays*)    2 = SEMI-SINGLE (*several rows of rays*)  
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## 7. RAY PETALS:

1 = FLAT    2 = TWISTED    3 = CURLED    4 = SHAGGY    5 = QUILLED  
 6 = COMBINATION OR OTHER (Specify)

Dorsal Surface: } 1 = GLABROUS    2 = PUBESCENT     Dorsal Surface: } 1 = DULL    2 = SHINY  
 Ventral Surface: }     Ventral Surface: }

## APICES:

1 = ACUTE    2 = OBTUSE     1 = ENTIRE    2 = NOTCHED    3 = SPINED



Star Orange

9800013

## 8. COLOR OF RAYS: (Colors listed below apply to Monocolor and Color Patterns.)

☐

MONOCOLOR

## Color Patterns for Bicolor or Multicolor:

Dorsal Side: ☐Ventral Side: ☐Dorsal Side: ☐Ventral Side: ☐APEX  
HALF☐BASE  
HALF☐☐☐

SPOTS

BLOTCHES

☐☐

OTHER (Specify) \_\_\_\_\_

RHS 23A

H. 06

06-09

BACK-  
GROUND  
COLOR

RHS 15C

☐☐

STREAKS

☐☐

STRIPES

01 = WHITE    02 = CREAM    03 = PINK    04 = ROSE    05 = RED    06 = ORANGE    07 = GOLD    08 = BRONZE  
 09 = YELLOW    10 = GREEN    11 = LAVENDER    12 = SCARLET    13 = SALMON    14 = OTHER (Specify) \_\_\_\_\_

## 9. DISK FLORETS:

☒ 1 = ABSENT    2 = PRESENT, COVERED    3 = PRESENT, CONSPICUOUS    ☒ 1 = NOT QUILLED    2 = QUILLED

☐

Color: (Choose from colors in No. 9 above)

RHS 23A

## 10. ANTHOCYANIN: (1 = Absent, 2 = Present)

☒ SEEDLINGS    ☒ STEMS    ☒ LEAVES    ☒ FLOWERS

## 11. SEEDS:

☒ Yield: 1 = NONE    2 = POOR    3 = FAIR    4 = GOOD    ☒ 3 MM. LONG    ☒ 2 MM. WIDE

☒ Color: 1 = TAN    2 = LIGHT BROWN    3 = DARK BROWN    ☒ 40 MG. PER 100 SEEDS

## 12. DRIED RECEPTACLE (After seed removal):

☒ Shape: 1 = FLAT    2 = DOME    3 = GLOBE    4 = CONE    ☒ 4 MM. LENGTH    ☒ 4 MM. DIAMETER AT BASE

## 13. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ POWDERY MILDEW    ☐ MOSAIC    ☐ FUSARIUM WILT    ☐ ALTERNARIA LEAF SPOT

## 14. INDICATE VARIETIES MOST CLOSELY RESEMBLING THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Flower size		Plant size	
Flower type		Foliage size	
Flower color		Maturity	
Plant Habit			

## REFERENCES:

1. Bodger Seed Company, LTD. The Zinnia and Its Uses. Bul. No. 1 19 pp. 1935.
2. Honeywell, E. R., 1970. The Zinnia. Purdue University Ext Service HO-104.
3. Metcalf, H. N. and J. N. Sharma. Germplasm Resources of the Genus Zinnia L. Econ. Bot. 25:169-181. 1971.
4. Weddle, Charles. The Elegant Zinnia. Nat. Hort. Mag. 24(2): 83-91. 1945.
5. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.

COMMENTS:



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  Sakata Seed Corporation	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  Profusion Orange	3. VARIETY NAME  Profusion Orange JMS 9/27/99
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224	5. TELEPHONE (include area code)  (408) 778-7758	6. FAX (include area code)  (408) 778-1030
7. PVPO NUMBER  9800013		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
If no, give name of country Japan

☐ YES ☒ NO

10. Is the applicant the original breeder? If no, please answer the following:

☒ YES ☐ NO

a. If original rights to variety were owned by individual(s):

Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country

☐ YES ☐ NO

b. If original rights to variety were owned by a company:

Is the original breeder(s) U.S. based company? If no, give name of country

11. Additional explanation on ownership (If needed, use reverse for extra space):

The breeders are employees of Sakata Seed Corporation. By agreement between the employees and Sakata, all rights to any invention are assigned to Sakata Seed Corporation.

**PLEASE NOTE:**

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.